



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/504,159	02/15/2000	Lalitha Vaidyanathan	11374-002001	7527
28863	7590	07/25/2006	EXAMINER	
SHUMAKER & SIEFFERT, P. A. 8425 SEASONS PARKWAY SUITE 105 ST. PAUL, MN 55125			ART UNIT	PAPER NUMBER

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/504,159	Applicant(s) VAIDYANATHAN ET AL.	
	Examiner Janice A. Mooneyham	Art Unit 3629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 07 November 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☒ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):

The requirements under this heading are set forth below:

37 CFR 41.37(c)(1)(v) requires the summary of claimed subject matter to include: (1) a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawing, if any, by reference characters and (2) for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

The Examiner notes applicant's discussion starting with the first paragraph under the heading of Summary of the Claimed Subject Matter on page 4 of the appeal brief through to the middle of page 7. The information provided by the applicant in these paragraphs is not directed to the claimed subject matter. On page 4, applicant identifies independent claims 1 and 112 as requiring specific structural and functions elements related to an embodiment described in the present application in which an online dispute system is integrated with an online marketplace. In the second paragraph on page 4, the applicant states that an online marketplace is described extensively in the present application as an example of a "partner" and having "partner data." The terminology integrated, partner and partner data do not appear anywhere in the claims 1 or 112. Applicant states that independent claims 1 and 112 require specific structural and functional elements related to the integration of the online dispute system with partner systems. Applicant then goes into a description of the specification and different embodiments of the invention set forth in the specification, but not set forth in the claimed subject matter on appeal. The appellant addresses the drawings, especially Figures 1 and 2B. On page 6 of the appeal brief, applicant has inserted a paragraph from the specification with certain terminology underlined. However, these aspects are not included in the claimed subject matter. Applicant does not start to provide a concise explanation of the claimed subject matter identified in the claims in this appeal until the middle of page 3.

The Examiner notes on page 7 wherein applicant identifies the claimed subject matter of independent claim 1 the applicant refers to the Figures 1 and 2B as showing support for the first three steps of the method. Although these Figures show support for the structure of a system, applicant independent claim 1 is to a method. The applicant does not provide any reference as to where support for the steps of the claimed subject matter can be found in the specification. In addition, the applicant has not provided any reference, either to a drawing or the specification, as to fourth step of method claim 1.

37 CFR 41.37(c)(1)(v) further requires the summary of claimed subject matter to include a concise explanation of the subject matter defined in each of each dependent claim argued separately. Applicant has not provided such a summary for any of the dependent claims. However, applicant argues separately dependent claims 111 and 115, dependent claims 110 and 113, dependent claims 2, 64, and 93, dependent claim 30, and claim 108.

As of this time, applicant should also not the realted appeal of 10/672136 which is a continuation of the present application.

A handwritten signature in black ink, appearing to be "R. M. 1002", written over a horizontal line.